IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF MARCH
TWO THOUSAND AND SIX

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY**

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**WRIT PETITION No.2341 OF 2006**

Between:

Dr.K.Ramesh, S/o.K.Kotaiah,

Aged about 54 years, Occu:

Civil Surgeon Specialist,

Medical Superintendent,

District Hospital, Rajhmundry,

East Godavari District.

**..... PETITIONER**

AND

The Government of Andhra Pradesh,

Rep. by its Principal Secretary,

Health Medical & Family Welfare (C2),

Department, Secretariat, Hyderabad,

and others.

**....RESPONDENTS**

**THE HON'BLE MR JUSTICE**

**J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE**

**M.VENKATESWARA REDDY**

**WRIT PETITION No.2341 OF 2006**

**O R D E R**

**(Per Sri Justice J.Chelameswar)**

Aggrieved by the order in O.A.No.6179 of 2005 on the file of A.P. Administrative Tribunal, dated 25.01.2006, the unsuccessful applicant filed the present writ petition.

By the above-mentioned order, the Tribunal dismissed the O.A. The petitioner herein filed the O.A. challenging the order of transfer of the petitioner from Rajahmundry to Ongole. He was working as Superintendent of the Government Hospital, Rajahmundry and by G.O.Rt.No.1055, Health, Medical & Family Welfare Department, dated 04.10.2005 the petitioner was transferred. The transfer purports to be a transfer simpliciter on administrative grounds without any stigma attached to it. However, the petitioner challenged the order on the ground that the transfer was effected pursuant to a complaint made by a Member of Parliament representing Amalapuram Loksabha Constituency.

In the absence of any stigma attached on the face of it to the transfer order, the Tribunal thought that it is not fit to interfere with the matter. Hence, the present writ petition.

In the background of the various allegations, we thought it fit to call for concerned record and the learned Standing Counsel representing the 2nd and 3rd respondents placed the original record before us. From the record, we find two complaints of the Member of Parliament representing Amalapuram Constituency addressed to the Joint Collector, East Godavari District and to the Principal Secretary, Medical & Health, Government of A.P., which form the basis of the transfer. Obviously, the 2nd and 3rd respondents did not wish to verify the correctness of the various allegations made against the petitioner, but thought it fit to transfer the petitioner. In the circumstances, we do not see any reason to interfere with the decision of the respondents in transferring the petitioner.

However, having regard to the contents of the complaints, we are of the opinion that the entire episode requires examination from the perspective of public interest. The relevant portion of the complaint of the Member of Parliament made to the Joint Collector reads as follows:

> "…… I went to the hospital. To my utter shock I found in the ICU Rats roaming in there, no Oxygen Cylinder, the doors of the Bathroom were broken and waste was thrown there the sink is full of water, the

> A.C. was pulled out half way. The electric wires were hanging out freely…"

In the complaint to the Principal Secretary, Medical & Health, Government of A.P. the Member of Parliament stated,

> "I personally went to the Hospital and inspected to the Premises and the ICU was in Pathetic & deplorable condition .....".

The more interesting part in the complaint is,

> "The referred doctor has many allegations against him, earlier he was suspended also. Earlier an amount of Rs.17 Lakhs were misused or unaccounted for, in his tenure till date the amount was is not recovered and he is involved in private contracts also… As the Inspection and Subsequent report are likely to go against him he developed a personal grudge against me. And is leveling false allegation against me. He called a press meet in his Medical Chamber and addressed the press along with his wife in the Chamber which is not in accordance with the rules. The allegation are that I am threatening his wife over phone. These are totally false and baseless. I totally object to the way in which these allegation are made if there is anything, that should be brought to your notice an solve the matter. This is not a proper way to level allegation against the people's representatives in this case Member of Parliament."

It is also worth mentioning here that the Member of Parliament in the complaint to the Joint Collector stated, "Feeling sad I went to the emergency ward and asked the person there to contact the Superintendent, the Answer was he is not available. Them I took the Phone and said to his wife that he taught us a good lesson as when he was suspended it was the Congress Party which conducted agitations and got him reinstated. …" There is something rotten in the Government Hospital, Rajahmundry.

Office is directed to place this order before the Honourable the Chief Justice for examination of the matter in the perspective of public interest.

Insofar as the petitioner is concerned, in the background of all the above-mentioned facts, we are not inclined to interfere with the order of transfer. The original record handed over to this Court by Respondent Nos.2 and 3 shall be kept in a sealed cover and place it before the Honourable Chief Justice along with this order.

Accordingly, the writ petition is dismissed at the stage of admission itself. There shall be no order as to costs.

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**JUSTICE J.CHELAMESWAR**

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**JUSTICE M.VENKATESWARA REDDY**

**8th MARCH, 2006**

**PGS**

**THE HON'BLE MR JUSTICE**

**J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE**

**M.VENKATESWARA REDDY**

**WRIT PETITION No.2341 OF 2006**

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